

To: Larry Lester

From: MS

Re: Groundwater Use Restriction
GIS Registry Data

Site Name/Address:

BURROW PARK ASSOCIATES

2640 SHERMAN AVE

MADISON

BRRTS #:

Q3-13-001661

Date of Closure Decision:

11/30/00

- ☐ Off-site Contamination
☐ Right-of-way Contamination

Packet Contains:

- ☐ 1. Closure Letter
- ☐ 2. Conditional closure letter
- ☐ 3. All property deeds with 140 ES exceedances
- ☐ 4. Metes/bounds legal description (certified survey)
- ☐ 5. Tax parcel number
- ☐ 6. GPS data for each affected property
- ☐ 7. General location map
- ☐ 8. Detailed location map, showing all parcels affected by 140 ES exceedances, property boundaries, buildings, etc.
- ☐ 9. Latest map showing gw flow direction, MW, potable wells. [optional: Isoconcentration maps of compounds -/ES]
- ☐ 10. Latest map showing extent or outline of contamination plume and gw flow direction
- ☐ 11. Latest table of analytical results
- ☐ 12. Geologic cross section



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ruthe E. Badger, Regional Director

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TTY 608-275-3231

November 30, 2000

File Ref: Dane County
03-13-001661

Mr. Norman Johnson
Burrows Park Associates
PO Box 45680
Madison, WI 53744

Subject: Final Site Closure - Burrows Park Associates, 2040 Sherman Ave, Madison

Dear Mr. Johnson:

On August 17, 2000 your site was reviewed for closure by the South Central Region Closure Committee. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On October 5, 2000, you were notified that the Closure Committee had granted conditional closure to this case.

On November 28, 2000, the Department received correspondence indicating that you have complied with the conditions of closure. Based on the correspondence and data provided, it appears that your site has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

However, please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

If you have any questions regarding this letter, please contact me at the number below.

Sincerely,

Michael Schmoller
Hydrogeologist
608-275-3303

cc: Darcy Congo, BT2, 2830 Dairy Drive, Madison, WI 53718



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
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October 5, 2000

File Ref: 03-13-001661
Dane County

Mr. Norman Johnson
Burrows Park Associates
PO Box 45680/One Point Place Suite 200
Madison, WI 53744

Subject: Final Site Closure - Burrows Park Associates, 2040 Sherman Ave, Madison

Dear Mr. Johnson:

On August 17, 2000 your request for closure of the case described above was reviewed by the South Central Region Closure Committee. This committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Closure Committee has determined that the petroleum contamination on the site appears to have been investigated and actively remediated to the extent practicable under site conditions. Your case will be closed under s. NR 726.05, Wis. Adm. Code, if the following conditions are satisfied:

1. **MONITORING WELL ABANDONMENT** The monitoring wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code, unless long term groundwater monitoring is going to be conducted. If monitoring wells will not be immediately abandoned because future groundwater monitoring is planned, you will need to notify me of your monitoring plans in order to qualify for case closure. Documentation of well abandonment must be submitted on forms provided by the Department of Natural Resources.
2. **GROUNDWATER USE RESTRICTION** Section NR 726.05(2)(b), Wis. Adm. Code, provides that if groundwater contamination still exceeds NR 140 enforcement standards when a closure request is submitted, a case may only be closed if a groundwater use restriction is recorded for each property where enforcement standards are exceeded (including street or highway rights-of-way). Therefore, recording the required groundwater use restriction is an option that the Department can offer to you in order to close this case. If you choose not to accept this option, you may be required to conduct additional groundwater monitoring and may choose to perform additional investigation and cleanup of the remaining contamination in order to qualify for unconditional closure. However, you should note that additional investigation or cleanup work may not be eligible for reimbursement from the Petroleum Environmental Cleanup Fund Award (PECFA) Program. You should contact the Department of Commerce to determine if the additional work will be eligible for reimbursement.

I have enclosed the groundwater use restriction for your use. You should sign it if you own the property, or have the appropriate property owner sign it, and have it recorded at the Dane County Register of Deeds Office, and then submit a copy of the recorded document, with the recording information stamped on it, to me. Please be aware that if a groundwater use restriction is recorded for

CLOSURE REQUEST
Burrows Park Associates
2040 Sherman Ave
Madison
03-13-001661

As shown in Figure 2 this site was a former gas station that had the UST system removed in 1978. Current use of the property is office space.

The site soils are 6-10 feet of clayey soil over 13-17 feet of silty fine sand over about 8 feet of sand and silt. At approximately 25 feet is sandstone bedrock. The water table is at about 25 feet and lies within the sandstone. Flow is to the north-northwest with a gradient of .009 ft/ft and a conductivity of .00029 cm/s.

Figure 3 shows the extent of soil contamination. Soil contamination in the area of the former dispenser island appears to be the source of groundwater contamination. Borings MW1, B3 and H5 describe the source area contamination. NR 746 Table 1 values for ethylbenzene and xylene are exceeded in borings MW1 and H5 from 7-23 feet. These concentrations extend to the top of bedrock. There were no soil samples collected in the top 4 feet.

Groundwater results are shown in Figure 6. There appears to be little migration away from well MW1 which has high concentrations. Also, MW1 had a history of free product. During 1999 about 1 liter of free product was collected. Prior to 1999 free product had not been detected. In March and April 2000 no free product was detected in well MW1. Based on the data it appears that the free product problem has abated and that the groundwater contamination is stable around well MW1.

Other than free product removal there has been ^{NO} active remediation at the site and no soil removals. Natural attenuation is relied upon to address both the soil and groundwater contamination. Table 4 shows the natural attenuation parameters collected in 1997-98.

Based on these site conditions the site warrants closure with a groundwater use restriction.

CLOSURE APPROVED

Pat McCutcheon

Pat McCutcheon 8/17/00

Steve Ales

Stephen M. Ales 8/17/00

Tom Stunkard

Tom Stunkard 8/17/00

Document Number

GROUNDWATER USE RESTRICTION

3265732

11-13-2000 10:33 AM

Trans. Fee

Rec. Fee 18.00
Pages 5

Declaration of Restrictions

In Re: See attached property description incorporated as
Attachment 1.

COPY

Recording Area

Name and Return Address

Neil Halleen
502 W. Eau Claire
Madison, WI 53705

STATE OF WISCONSIN)
COUNTY OF DANE) ss

WHEREAS, Halleen Properties, LLC is the owner of the
above-described property.

46-0709-121-8335-2
Parcel Identification Number (PIN)

WHEREAS, one or more petroleum discharges have occurred on this property.
Petroleum contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement
standards existed on this property at the following location(s) on the following date(s):
Sampling on August 21, 1998 showed xylene and trimethylbenzenes above the
enforcement standards at well MW1 as shown in Figure 6 and incorporated as
Attachment 2.

WHEREAS, it is the desire and intention of the property owner to impose on the property
restrictions which will make it unnecessary to conduct further groundwater or soil
remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural
Resources to remediate groundwater contamination exceeding ch. NR 140 Wis. Adm.
Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking
water standards in ch. NR 809 Wis. Adm. Code is restricted by chs. NR 811 and NR 812,
Wis. Adm. Code. Special well construction standards or water treatment requirements, or
both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above
is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and
improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Neil C. Halleen asserts that he/she is duly authorized to sign this document on behalf of Halleen Properties, LLC.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 19th day of October, 192000.

Signature: Neil C. Halleen
Printed Name: NEIL C HALLEEN

Subscribed and sworn to before me
this 19th day of October, 192000

Charlotte Y. Banczak
Notary Public, State of Wisconsin
My commission June 6, 2004

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by BT2.

DOCUMENT NO.

000782

DANE COUNTY
REGISTER OF DEEDS

Doc No 2902278

1997-10-30 03:25 PM
Trans. Fee 555.00
Rec. Fee 10.00
Pages 1Joseph V. Manone and Sharon A. Manone, husband
and wifeconveys and warrants to Hallen Properties, LLCthe following described real estate in Dane County,
State of Wisconsin:

Part of Government Lot No. 1, being fractional North 1/2 of the Northeast 1/4, Section 12, Township 7 North, Range 9 East, in the Village of Maple Bluff, Dane County, Wisconsin, described as follows: Beginning at a point on the centerline of Sherman Avenue which is North 25° East 328.68 feet (measured along said centerline) from the South line of said Government Lot 1; thence West 216.4 feet parallel to said South line; thence South on a line at right angles to the last course 103.55 feet to an iron stake which is 194.4 feet North of the South line of said Government Lot 1; thence East parallel to said South line, to the centerline of Sherman Avenue; thence North 25° East along said centerline to point of beginning, EXCEPT therefrom the North 10 feet thereof.

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

Neil Hallen
502 W. Eau Claire
Madison, WI 53701

46-0709-121-8335-2

PARCEL IDENTIFICATION NUMBER

This is not homestead property.
(is) (is not)

Exception to warranties: Municipal and zoning ordinances, recorded easements for public utilities serving the property, recorded building and use restrictions and covenants and general taxes levied in the year of closing.

Dated this 29th day of October, A.D. 19 97(SEAL) Joseph V. Manone (SEAL)* Joseph V. Manone (SEAL)(SEAL) Sharon A. Manone (SEAL)* Sharon A. Manone

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____, 19____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by §705.06, Wis. Stats.)THIS INSTRUMENT WAS DRAFTED BY
Attorney Roger W. Boettcher

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

State of Wisconsin,

DANE.

Personally came before me this 29th day of
October, 1997, the above namedJoseph V. Manone and Sharon A. Manone(to me known to be the person(s) who executed the foregoing
instrument and acknowledge the same)Leon Van de GrintNotary Public, Dane County, Wis.My commission is permanent. (If not, state expiration date:
1998)

* Names of persons signing in any capacity should be typed or printed below their signatures.

WARRANTY DEED

STATE BAR OF WISCONSIN
Form No. 2 - 1982Wisconsin Legal Book Co., Inc.
4800 N. 10th St.

Figure 1



Burrows Park Assoc. Prop. - Site Location Map



MADISON EAST, WIS.
 804 MADISON 15' QUADRANGLE
 43089-A3-TF-024

1983

DMA 3170 01 SE-SERIES Y861

Scale: 1" = 2000'

fig1.dwg

Project No. 524

12/29/92

BT², Inc.

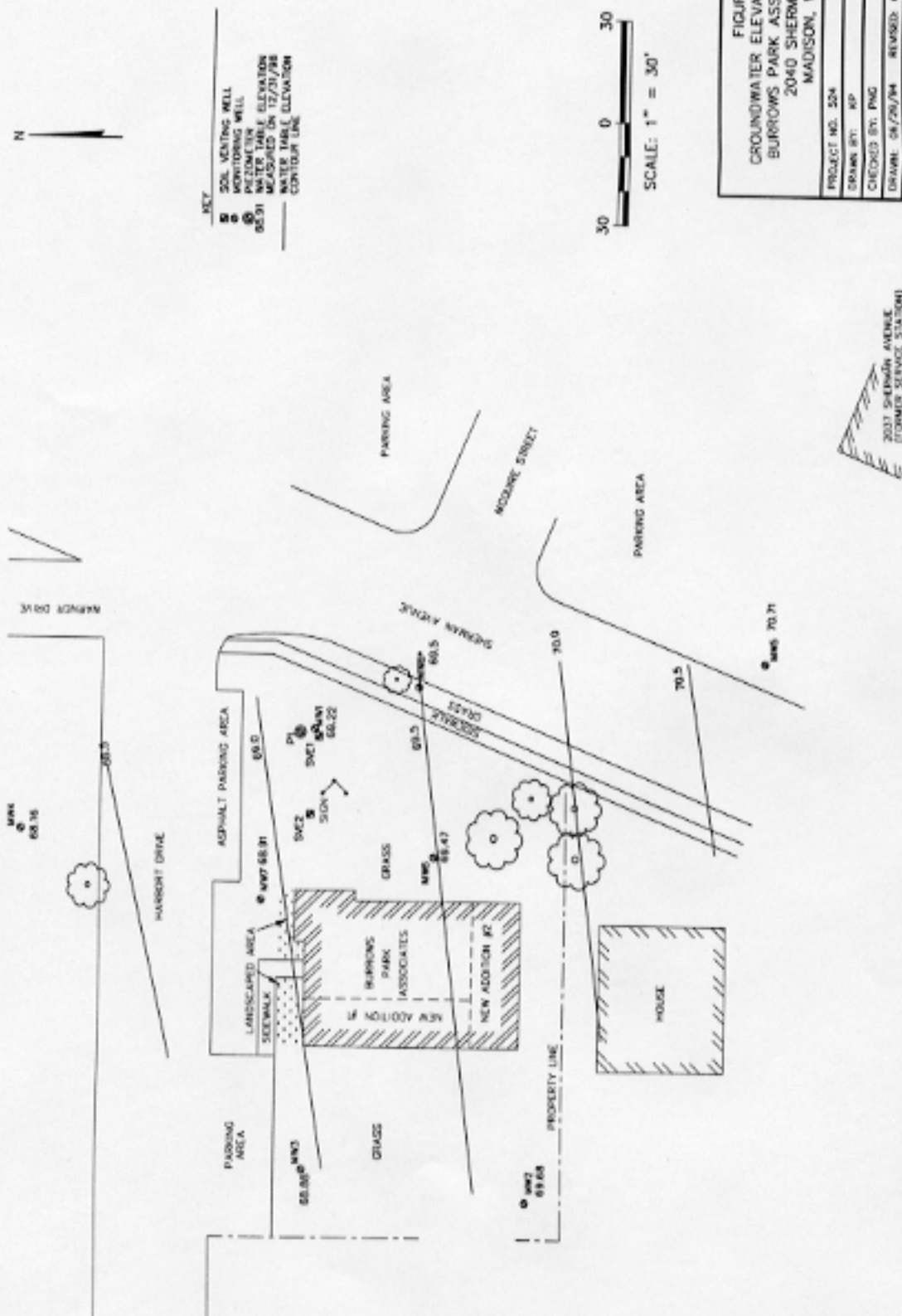


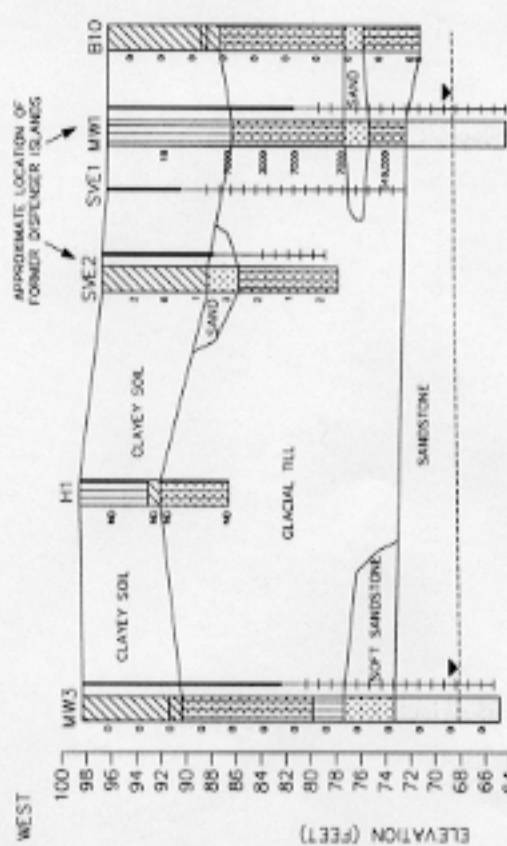
FIGURE 8
GROUNDWATER ELEVATIONS ON 12/31/98
BURROWS PARK ASSOCIATES PROPERTY
2040 SHERMAN AVENUE
MADISON, WISCONSIN

PROJECT NO. 524	BT ² inc.
DRAWN BY: KIP	
CHECKED BY: PING	
DRAWN: 06/29/94 PROJECTED: 08/01/00 V.324.00A TEXTED.DWG	

1601 WEST 20TH AVENUE
DENVER, COLORADO 80202

B' EAST

B WEST



LEGEND

- CLAYEY SAND AND GRAVEL FILL
- SILTY CLAY, PLASTIC (CL-MI)
- CLAYEY SAND (SC)
- SILTY FINE SAND WITH FINE TO COARSE GRAVEL (SM)
- SILT CLAYEY IN TOPSOIL (ML)
- SAND, POORLY GRADED, LITTLE OR NO FINES (SP)
- SANDSTONE BEDROCK, SILTY AND FINE GRAINED, WEATHERED NEAR SURFACE
- WATER TABLE ELEVATION MEASURED ON 7/16/94
- WATER LEVEL ELEVATION AT PIZOMETER ON 7/16/94
- WATER TABLE FOR 7/16/94
- FLAME IONIZATION DETECTOR READING OR PHOTO IONIZATION DETECTOR READING

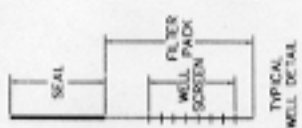


FIGURE 5

GEOLOGIC CROSS SECTION B-B'

BURROWS PARK ASSOCIATES PROPERTY

1040 SHERMAN AVENUE

MADISON, WISCONSIN

PROJECT NO. 524
DRAWN BY: KP
CHECKED BY: MB
DRAWN: 07/94
REVISED: 09/01/00
2/23/01/05/08/09/09

SCALE 0 30

HORIZONTAL SCALE: 1" = 30'

VERTICAL EXAGGERATION = 5X